

**BUILDING AND STANDARDS COMMISSION
STAFF REPORT**

June 27, 2016



Case # 2150 – 102 Davis Street



LEGAL DESCRIPTION: Dellwood Park Subd, Block 2, Lot 5

STRUCTURE(S): single-family residence
 accessory structure

PROPERTY OWNER(S): Galvan Jesse C

**LIENHOLDER(S)/
MORTGAGEE(S):** none

ACTIVE UTILITIES: yes no **DISCONNECTED ON:** 07/27/2011

BRAZOS COUNTY APPRAISAL DISTRICT/TAX OFFICE INFORMATION:

PROPERTY ID: 25816
IMPROVEMENT VALUE: \$10,550
YEAR BUILT: 1940
SF OF LIVING AREA: 544
CURRENT OWNER SINCE: 6/11/1993
PROPERTY TAXES OWED: \$384.46 (2015)

BACKGROUND:

- Building permit history: there are no building permits on file since at least 1998.
- Bryan PD relayed concerns of the living conditions and condition of the property to the Chief Building Official and Assistant Fire Marshal in early January 2015.
- City staff visited the property on January 21, 2015 and tried to contact the tenants. Electrical, plumbing, and structural issues were observed from the unsecured detached garage.
- Notices that the property had an electrical hold on it from the Chief Building Official and request to meet/inspect were mailed to the property owner on January 28, 2015.
- City staff met with the owner on February 16, 2015 and went over the issues, repairs needed, and permits required. City staff asked owner if the interior could be inspected as well, owner said he would call back for date and time for inspection.
- The owner did not schedule a city inspection until March 5, 2015. Again, the owner was advised on permits, repairs needed, and inspections required.
- The owner submitted a general building permit application on March 23, 2015. The City contacted the owner and left a message about additional information needed in order to issue a permit. The owner did not contact the City.
- In November 2015 the Chief Building Official decided to submit the property for consideration by the Commission since the owner was not being proactive in getting permits and making sure all the safety concerns were addressed.
- Notices that the property would be scheduled for consideration by the Building and Standards Commission was mailed to the property owner on December 2, 2015, and January 27, 2016.
- City staff met with the owner on site again on January 13, 2016 with the administrative warrant for this hearing's inspections. It was noted that the property condition had not changed since a year before and plumbing and electrical violations among other lack of maintenance issues still existed.

- During its regular meeting on February 22, 2016, the Commission voted to issue the following order:
 - DEMO THE ACCESSORY STRUCTURE IN 30 DAYS AND REPAIR MAIN STRUCTURE IN 90 DAYS, AND COME BACK TO THE JUNE REGULAR MEETING TO SHOW COMPLIANCE WITH THE ORDER.
- The owner obtained the building permit on March 9, 2016 (see attachments).
- The owner demolished the accessory structure by April 14, 2016, within the 30 day deadline as ordered by the Commission.
- Staff noted that the tenants had vacated the structure and the owner was living in the structure during a May inspection on progress and to meet with owner about obtaining homeowner's permits for plumbing and electrical permits.
- In April of 2016, the owner asked City staff if he could appeal the decision of the Chief Building Official denying him from obtaining a homeowner's electrical permit and plumbing permit. The Chief Building Official denied the homeowner's permits based on existing conditions, hazards observed, and due to the fact that tenants were renting the subject property up until at least January 2016.
- During April, the owner, Mr. Galvan, continued to stop by to ask for homeowner's electrical and plumbing permits. The owner was advised that he could appeal the Chief Building Official's decision to deny a homeowner's permit to the City's Board of Adjustments and Appeals. The owner was notified that he could appeal on or around May 4, 2016.
- City staff met with Mr. Galvan the week of May 9-13, 2016 and went over the appeal process as well as re-inspecting the property to take a second look at the conditions for consideration on issuing homeowner's permits for plumbing and electrical. Mr. Galvan relayed he was now living in the home and it was now designated as his homestead at the tax office. When asked if Mr. Galvan will rent the house again, he mentioned it might be a possibility.
- The Chief Building Official and City staff visited the property again on May 10, 2016 with a second administrative search warrant to review the owner's request for homeowner's electrical and plumbing permits. After re-inspecting the home, and discussing with the city inspectors who also attended the inspection, the Chief Building Official notified Mr. Galvan that the City could issue a homeowner's plumbing permit, but not a homeowner's electrical permit. Reason for denial of the homeowner's electrical permit was due to the installation of the electrical wiring not meeting code in the attic, and Mr. Galvan had noted that he had done the rewire himself in the 1990s.
- Also noted is that the owner has mentioned that the house was rewired and service rebuilt in the 1990s and approved by the City at one time. After a diligent search, our office could not find any inspection records for this property for a rewire and service rebuild.
- The owner appealed the Chief Building Official's denial for a homeowner's electrical permit. The owner and City staff presented their cases to the City's Board of Adjustments and Appeals on May 25, 2016. The Board of Adjustments and Appeals decided in favor of the Chief Building Official's denial for a homeowner's electrical permit and that the owner needed to hire a licensed electrician to obtain a permit and make all necessary repairs (see attached copy of order).
- The owner called for a foundation inspection on June 1, 2016. A City inspector visited the property on June 2, 2016 and no one was home. The Chief Building Official visited the property and spoke with the owner on June 3, 2016. The owner was still repairing the foundation, and the owner was advised on what to complete (floor framing and crawl space plumbing) before calling in another inspection.
- As of June 13, 2016, a licensed electrician has not obtained an electrical permit and no other inspections have been called in by the owner. As of an inspection on June 14, there are no noticeable changes or improvements made since the February hearing.
- City staff feels that the structure will not be repaired by the end of June. It has been noted or implied

by the owner that the City's denial of the homeowner's electrical permit has delayed the progress and repairs. All things considered, the repairs to make this a safe and habitable home have been pending since February 2015 and no noticeable improvements have been made or completed as of June 13, 2016. The structure has been without an operable bathroom for a few weeks now.

- City staff recommends vacating the structure and demolishing per deadlines recommended in the original February staff report.

ATTACHMENTS:

1. staff recommendation
2. pictures
3. dangerous structures survey reports
4. owner's application and plans

**BUILDING AND STANDARDS COMMISSION
STAFF RECOMMENDATION**



June 22, 2016

Case #: 2050

Building Address: 102 Davis St.

Record Owner(s): Galvan Jesse C

The City's Chief Building Official has requested this Commission hearing to discuss the building and one accessory structure on this property, and all legal notices of the hearing were provided to record owners, lienholders, and mortgagees. They were also notified that if they wanted to repair the building and/or accessory structure they needed to meet with City staff and come to the hearing with a detailed plan for repairs, including cost estimates. Based on the surveys, reports, photographs, and other evidence provided to the Commission, the City recommends that the Commission find the building unsafe based on the standards set forth in Bryan Code of Ordinances Section 14-224 subsection(s):

- 1) The building, structure, or any part thereof is likely to partially or fully collapse.
- 2) The structure or any part thereof was constructed or maintained in violation of any provision of the City's Building Code, or any other applicable ordinance or law of the city, county, state or federal government.
- 3) One or more walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third or its base.
- 4) The foundation or the vertical or horizontal supporting members are twenty five percent (25%) or more damaged or deteriorated.
- 5) The non supporting coverings of walls, ceilings, roofs, or floors are fifty percent (50%) or more damaged or deteriorated.
- 6) The structure has improperly distributed loads upon the structural members, or they have insufficient strength to be reasonably safe for the purpose used.
- 7) The structure or any part thereof has been damaged by fire, water, earthquake, wind, vandalism, or other cause to such an extent that it has become dangerous to the public health, safety and welfare.
- 8) The structure or any part thereof has inadequate means of egress as required by the City's Building Code.
- 9) The structure does not have adequate light ventilation, or sanitation facilities as required by the City's Building Codes and Plumbing Code.

The City further recommends that the Commission find that:

- the building is occupied and poses a hazard to health, safety, or general welfare of the occupants and/or the general public and must be vacated.**
- the building may not be feasibly repaired in compliance with City ordinances.**

The City recommends that the Commission issue an order to the owner, lienholder, or mortgagee to:

- vacate the building within 30 days.
- secure the building from unauthorized entry within 30 days.
- demolish the building and remove the debris within 60 days.

The City recommends that the Commission orders that the City may:

- disconnect water and electric utilities to the building and accessory structure; and**
- secure the structure, demolish the building and accessory structure and remove the debris in accordance with Chapter 14 of the City of Bryan's Code of Ordinances if the owner, lienholder, or mortgagee fails to comply with the Commission's order.**

PICTURES (5-11-16):



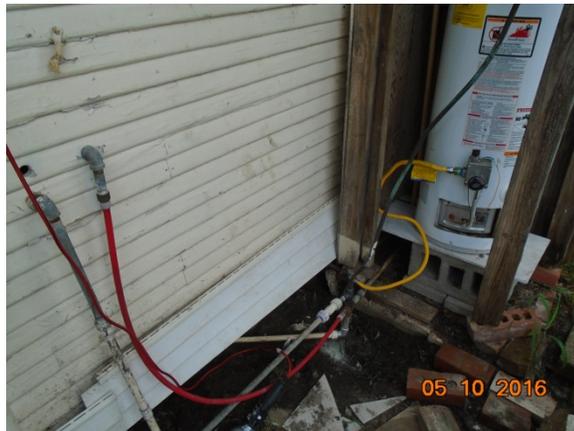
Front of house



Loose electrical outlet in closet



Light fixture hanging by electrical wires



No change in plumbing



Water heater still exposed to elements



Accessory structure was demolished



Still has exposed wires in kitchen



disconnect boxes used as junction boxes in attic



Junction boxes missing bushings in attic
Illegal non Romex wire exposed (not in conduit)



More disconnect boxes incorrectly used as junction boxes

PICTURES (1-13-16):



Front of house



Front/side of house



Side of house – missing siding/ skirting



Window seal damaged, foam used to seal opening around window a/c unit.



Illegal – non code compliant plumbing



Gas water heater installed without permits and not in code approved enclosure.



Top of gas water heater enclosure.



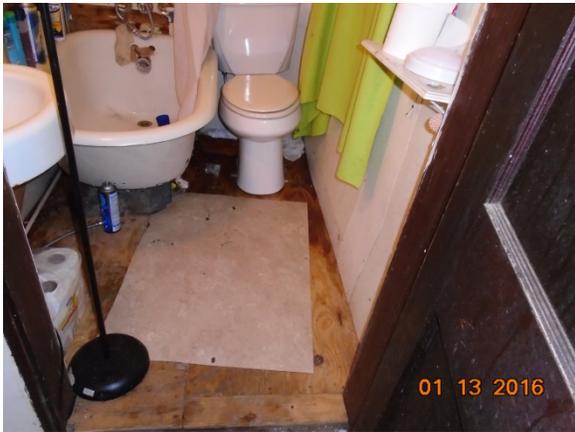
Damaged electrical light fixture, illegal exposed Romex wiring



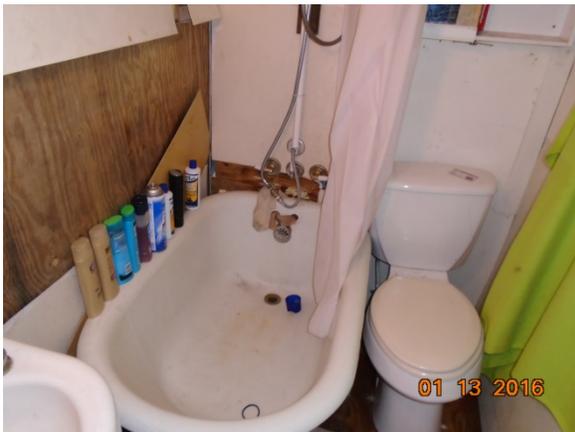
Surface mounted electrical devices



Exposed illegal surface mounted Romex wiring



Bath room floor – repairs without permits/unfinished



Non-approved tub surround finishes



Un-permitted repairs to bath room ceiling



Missing outlet and switch covers in kitchen



Illegal exposed wiring in kitchen



Extensions cords at exterior to detached garage



Exterior side of detached garage



Exterior side of detached garage – rotten wall



Exposed electrical wiring in detached garage



Unsecured front of detached garage



Rotten rear corner of detached garage, damaged roof finishes.



Dangerous Structures Survey Report

Chief Building Official

Case # 2150

A. **PROPERTY ADDRESS:** 102 Davis Street, Dellwood Park Subd, Block 2, Lot 5

B. **SPECIFICATIONS:** No. Rooms 4 No. Stories 1 No. Structures 1

STRUCTURAL USE

CONSTRUCTION

OCCUPANCY

- Residential/Single Family
- Mixed Use
- Commercial
- Residential/Multi Family
- Accessory Structure(s)

- Box
- Frame
- Masonry
- Mobile Home

- Occupied
- Vacant
- Open

C. **FINDINGS**

01. The structure or a part thereof was constructed or maintained in violation of a provision of the City's building code, other applicable ordinance, state law, or federal law. Specifically, the following:

2009 IRC/IPC, 2011 NEC - No permits on file since at least 1998
 Main structure? Accessory structure?

02. Any wall or other vertical structural members list, lean, or buckle to an extent that a plumbline passing through the center of gravity falls outside of the middle third of its base. Main structure? Accessory structure?

03. The foundation or the vertical or horizontal supporting members are materially damaged or deteriorated. Main structure? Accessory structure?

04. The non-supporting coverings of walls, ceilings, roofs, or floors are materially damaged or deteriorated. Main structure? Accessory structure?

05. The structure has improperly distributed loads upon the structural members, or they have insufficient strength to be reasonably safe for the purpose used. Main structure? Accessory structure?

06. The structure or any part thereof has inadequate means of egress as required by the city's building code. Main structure? Accessory structure?

07. The structure is unsanitary, unfit for human habitation, or likely to cause sickness due to damage, deterioration, or inadequate design/construction. Specifically the structure does not meet the city's requirements for:

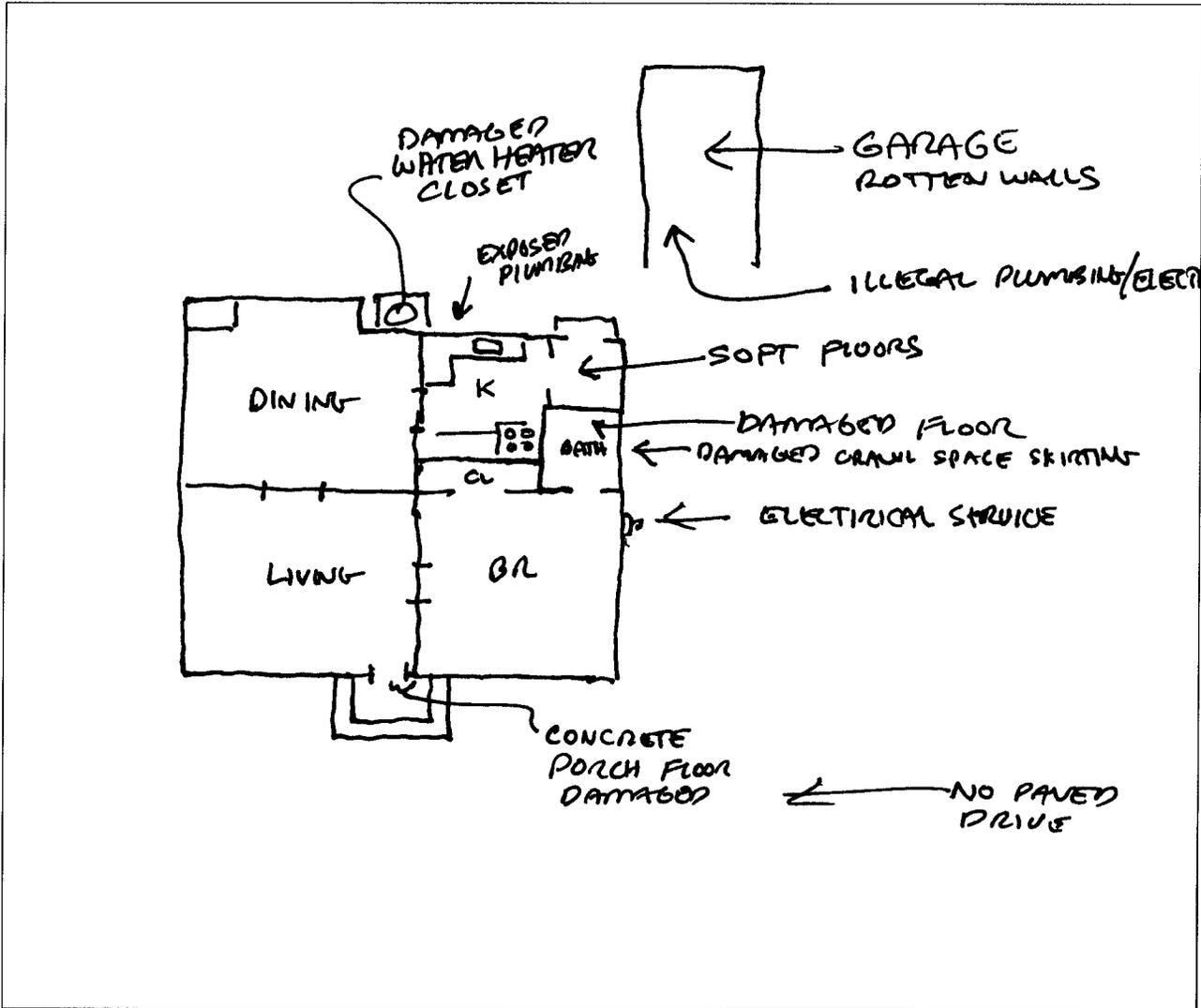
- light
 - ventilation
 - sanitation facilities
- Main structure? Accessory structure?

08. Injury to persons or damage to property will result because portion, member or appurtenance is likely to fail, become detached or dislodged, or collapse.
Main structure? Accessory structure?
09. Unable to give reasonable protection to any occupants from weather elements or danger of collapse because of:
 Holes or cracks in the floor, exterior wall or roof
 Loose, rotten, warped or protruding boards
Main structure? Accessory structure?
10. Is manifestly unsafe for the purpose for which it is being used or so as not to give reasonable protection from danger of collapse or fire because of:
 Defective materials
 Structural deterioration
 Interior walls or ceilings with holes, cracks or loose plaster
Main structure? Accessory structure?
11. The building, structure, or a part thereof, is unsecured and open.
Main structure? Accessory structure?

COMMENTS: Accessory structure: – rotten walls, illegal electrical wiring, no foundation, illegal plumbing, exposed wiring, open splices, damaged siding, loose roof metal.

Main House: No paved driveway, damaged skirting on sides and rear of home, poor site drainage, rotten trim, damaged/rotten crawl space skirting in some areas, standing water at rear of house, water heater in make shift enclosure – not properly protected from elements, evidence of water heater replacement without permits, plumbing repairs without permits, and electrical work without permits, illegal / hazardous electrical, gas water heater – no permit or gas test on file. Exterior roof metal appears in good shape, Concrete front porch has bad spot/hole near front door. Kitchen – missing plug covers, exposed wires above stove, tenant may have been using stove to heat house. No heating system for house. Loose/damaged interior ceiling finishes. Front door glass is broken out/covered with plywood, Bedroom light fixture hanging by electrical wiring. Exposed Romex wiring above door frames (no studs for walls). Bathroom floor/floor framing needs repairs/replacements. Walls around tub/toilet need water proof finishes. Extension cords in rear yard, damaged Romex wiring and fixtures on back of house. Rear back entry has soft floor and wall/floor framing has rot and deterioration. Need to check foundation of house (will need some skirting removed for inspections)

FLOOR PLAN (if necessary)



D. DETERMINATION

 X 1. It has been determined upon inspection and investigation that the structure is dangerous, unsafe, or a hazard to public health and must be secured and:

A. X Be vacated OR X remain unoccupied; and

B. X Be repaired OR X be demolished.

 2. It has been determined upon inspection and investigation that the structure is not dangerous, unsafe, or a hazard to public health as defined by the City's Code of Ordinances.



Signature

GREGORY S. COX

Printed Name

1-14-16

Date

McKinzie, Charmaine

From: Cox, Gregory
Sent: Wednesday, January 20, 2016 7:14 PM
To: McKinzie, Charmaine
Cc: Tepera, Craig G; Cravatt, Cody
Subject: 102 Davis - FEB BSC

Follow Up Flag: Follow up
Flag Status: Flagged

Charmaine,

I know Mr. Galvan was in today, but I had not yet looked over his plans and estimates.

- His valuation of \$1200 is too low. The improvements are appraised at \$10,255. The house will need about \$3000 to \$5000 in repairs if contracting it all out.
- The house is not his homestead... a licensed plumber and a licensed electrician need to submit estimates – licensed plumber and electrician will need to pull permits for plumbing and electrical work
- His plans submitted for water heater closet enclosure is not approved. He will need to build a stable platform out of treated wood or concrete, then construct code compliant 2X4 walls and roof with an operable side hinged swinging door large enough to service and remove water heater. Placing the gas water heater on CMU blocks with a make shift enclosure out of metal is not acceptable. Per zoning ordinance houses cannot have metal on exterior walls.
- He submitted an electrician's estimate sheet but there is not a name of an electrician or electrical company on it and no cost noted.
 - Electrician to make sure wiring is safe, also check attic and under home
 - Install new fixtures and outlets where damaged and GFI outlets in bath and kitchen
 - Smoke detector in bedroom and area outside bedroom with Carbon Monoxide Detector
 - Exposed wires above stove need to be removed or light fixture installed
 - Install outlet and switch covers
 - Remove exposed Romex wiring in other rooms where surface mounted – rewire with new wire in conduit or furr out walls to cover new Romex wiring per code.
 - Remove all keyless light fixtures and replace with code approved light fixtures with covers
 - Remove all surface mounted Romex and broken light fixtures off rear of house
- Submit estimates to repair crawl space skirting where damaged and missing with non metallic (no metal) materials – crawl space access and vents need to meet code
- Plumber to submit estimates to fix all exterior plumbing that is above ground at rear of home. He will need to cover the gas water heater install and do a gas test on the gas piping form atmos meter, yard, and house piping.
- Need estimate to repair hole in front concrete porch.
- Need estimate to repair rotten siding, trim, window sills, seal holes in siding and paint, etc.
- Need estimates to replace rear entry floor and bath room floor with approximate cost to repair any potential rotten floor joist or other supports
- Need estimate for waterproof finish repair / replacement around tub and toilet in bath room
- Need estimate to repair damaged / loose ceiling finishes in bedroom and bath room

Detached accessory structure:

- Estimate of \$650 for repairs is too low

- Need estimates to replace all rotten framing, probably need to place new 4X4 or 4X6 treated post 3' in ground at all corners and repair / replace all rotten framing.
- Need estimate for new roof and siding - he proposes a plywood exterior but this needs to be approved siding material
- He needs to be careful and not remove more than 60% of this structure as it is in the side setback and will lose it's grandfather if more than 60% removed for rebuild

There are no permits on file since at least 1998. He has done work without permits/inspections, and installed a new water heater without permits. I don't think he will agree with the repairs needed or that he needs to hire licensed contractors.

He has also told me he lives here with the two tenants and there is only one bed.

We will keep this on for FEB BSC

I will revise the above and email a copy to him and call and go over it with him.

Thanks,
Greg



Dangerous Structures Survey Report

Fire Marshal

Case #2150

A. **PROPERTY ADDRESS:** 102 Davis Street, Dellwood Park Subd, Block 2, Lot 5

B. **SPECIFICATIONS:** No. Rooms _____ No. Stories 1 No. Structures 2

STRUCTURAL USE

- Residential/Single Family
- Mixed Use
- Commercial
- Residential/Multi Family
- Accessory Structure

CONSTRUCTION

- Box
- Frame
- Masonry
- Mobile Home

OCCUPANCY

- Occupied
- Vacant
- Open

C. **FINDINGS**

- 01. The structure or a part thereof has been damaged by fire, water, earthquake, wind, vandalism, or other cause to such an extent that it has become dangerous to the public health, safety, and welfare.
I estimate that ~~40~~ 100 % of the main structure is considered a loss.
I estimate that ~~100~~ 100 % of the accessory structure is considered a loss.
- 02. The structure or a part thereof has deteriorated to such an extent that it has become dangerous to the public health, safety, and welfare.
Main Structure? Accessory Structure?
- 03. The structure or a part thereof does not have adequate means of egress as required by the City's building code, and poses a danger in case of fire or panic.
Main Structure? Accessory Structure?
- 04. The structure or a part thereof lacks necessary fire-resistive construction, and the threat of a fire in the structure poses a risk to inhabitants, neighboring structures, and fire department personnel.
Main Structure? Accessory Structure?
- 05. Obsolete, damaged, or deteriorated electric wiring, gas connections, heating apparatus, or other mechanical infrastructure present a risk of fire.
Main Structure? Accessory Structure?
- 06. The proximity of the structure or a part thereof to other structures on this or neighboring properties constitutes a fire hazard for the other structures.
Main Structure? Accessory Structure?
- 07. The structure or a part thereof is in violation of the City's fire code.
Main Structure? Accessory Structure?

08. The building, structure, or a part thereof is being used by criminals, vagrants, or squatters for the purpose of suspected illegal activity.
Main Structure? Accessory Structure?
09. The building, structure, or a part thereof presents an attractive nuisance to children.
Main Structure? Accessory Structure?

COMMENTS

unpermitted wiring
unpermitted plumbing
unpermitted construction

D. DETERMINATION

1. It has been determined upon inspection and investigation that the structure is dangerous, unsafe, or a hazard to public health and must be secured and:
- A. Be vacated OR ___ remain unoccupied; and
- B. ___ Be repaired OR be demolished.
- ___ 2. It has been determined upon inspection and investigation that the structure is not dangerous, unsafe, or a hazard to public health as defined by the City's Code of Ordinances.

 Fred TAYLOR / SMO 1-20-16

Signature Printed Name/Title Date

CITY OF BRYAN APPLICATION FOR BUILDING PERMIT

P.O. Box 1000 Bryan Texas 77805 * Phone: 979-209-5010 * Fax: 979-209-5035 * www.bryantx.gov

1. ADDRESS / LOCATION OF WORK: ADDRESS: <u>Davis 102</u> SUBDIVISION: <u>Dellwood</u> PHASE: LOT: BLOCK:			2. DATE OF APPLICATION: <u>1-12-16</u> PERMIT # (by city): WTR / SWR # (by city): PROPERTY R-NUMBER:				
3. PROPERTY OWNER INFORMATION NAME: <u>Jesse Galvan</u> ADDRESS: <u>102 Davis</u> CITY/STATE/ZIP: <u> </u> EMAIL: <u> </u> FAX: <u>Jessegalvan009@gmail.com</u> PHONE:			4. GENERAL CONTRACTOR INFORMATION NAME: <u>SAME</u> ADDRESS: CITY/STATE/ZIP: EMAIL: FAX: PHONE:				
5. ELECTRICIAN (Name & Phone #): <u>NO - Does not apply</u>	6. PLUMBER (Name & Phone #): <u>NO - does not apply</u>	7. HVAC (Name & Phone #): <u>NO - NA</u>	8. ARCHITECT - If required by state or city ordinance (Name & Phone #):	9. ENGINEER - If required by state or city ordinance (Name and Phone #):			
10. CLASS OF WORK (Check the appropriate box):			Are you painting the exterior of a commercial building? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				
Commercial: <input type="checkbox"/>	Residential: <input checked="" type="checkbox"/>	Remodel: <input type="checkbox"/>	Addition: <input type="checkbox"/>	Repair: <input checked="" type="checkbox"/>	New Construction: <input type="checkbox"/>		
11. DESCRIPTION OF WORK: <u>Plan to rebuild and repair garage</u>			Present Use: <u>no garage</u>	Intended Use: <u>garage</u>			
		Constructing Driveway in R.O.W.? <u>NO</u>	Constructing Sidewalk in R.O.W.? <u>NO</u>				
12. Square feet of heated area:	<input type="text"/>	13. # of Buildings:	<input type="text"/>	16. # of Dwelling Units: <u>NA</u>	19. Water Tap Size: <u>NA</u>		
Square feet of unheated area:	<input type="text"/> <u>192</u>	14. Foundation Type:	<input type="text"/> <u>Concrete</u>	17. Irrigation Tap Size: <u>NA</u>	20. Sewer Tap Size: <u>NA</u>		
Square feet total:	<input type="text"/> <u>192</u>	15. Number of floors:	<input type="text"/> <u>1</u>	18. Fire Line Tap Size:	21. Official Use Only-Misc. Fees:		
			22. Estimated Valuation (Cost of Labor and Materials for project): <input type="text"/> \$ <u>650</u>				
			23. Total Permit Fee <u>Renewal for 3014</u> (Valuation + Tap Fees + Any Misc. Fees): <u>2015</u> <input type="text"/> \$			Long Tap Fee: D.&T. Fee: Work w/o Permit fee:	
			<input type="text"/>			REVISED 3	

Please continue to back side of application for additional items.
 Applicant's signature required on back of application for permit approval.

Diagram for 102 Davis - 1-12-16

Rebuilding and Repair of
separated garage

